IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 5333 of 2006

DATED: 11.9.2006

Between:

S.Rasool **petitioner**

And

The Regional Manager,
APSRTC
Kadapa Region, Kadapa Dist and another **Respondents**

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 5333 OF 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not paying the Gratuity amount for the period from 2.8.1975 to 19.2.1992 i.e., from the date appointment till the date of removal.

The petitioner joined the respondent corporation as cleaner on 2.8.1975. He was terminated from services in the year 1992. Questioning the termination order, petitioner raised a dispute in I.D. No. 199 of 1994 on the file of the Labour Court, Anantapur. The labour Court on consideration of the matter passed an award dated 5.3.1997 reinstating the petitioner into service as fresh appointment in the cadre of Helper. In terms of the award, the petitioner was reinstated into service on 16.9.1997 and on attaining the age of superannuation, he was retired from service on 1.2.2005. On retirement the petitioner was paid gratuity amount for the period from 1.10.1997 to 31.7.2005 only. The petitioner claims that he is entitled to gratuity for the period from 2.8.1975 to 1992 for the service rendered prior to removal order and the same was deprived to him. The petitioner made a representation dated 4.10.2005 to the first respondent to pay the gratuity amount for

the period he has rendered the services prior to termination order. However, no action was taken. Hence, the present writ petition.

Learned counsel for petitioner submitted that the respondent corporation has only paid the gratuity amount for the period from 1.10.1997 to 31.7.2005 i.e., the date of reinstatement afresh till the date of retirement and has not paid the gratuity amount for the service rendered by the petitioner for a period of about 17 years from the date of appointment till the date of illegal termination. He further submitted that the petitioner is entitled to gratuity for the period from 2.8.1975 to 1992 and respondent corporation cannot deprive the same and sought for interference of this Court.

Heard learned counsel for petitioner and learned Standing Counsel for respondent corporation.

The case of the petitioner is that he is entitled to gratuity for the services rendered prior to his termination in the year 1992 and the representation dated 4.10.2005 filed by him is pending before the first respondent. Since the representation of the petitioner dated 4.10.2005 is pending, I deem it appropriate to dispose of the writ petition directing the first respondent to consider and dispose of the said representation of the petitioner in accordance with law expeditiously, preferably within a period of two months from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 11.9.2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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